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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/111,911	07/08/1998	WILLIAM S. M. WOLD	16153-5587	6287

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THOMPSON COBURN, LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER

SHUKLA, RAM R

ART UNIT	PAPER NUMBER
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1632

24

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/111,911

Applicant(s)

WOLD, WILLIAM S. M.

Examiner

Ram R. Shukla

Art Unit

1632

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: 1, 4 and 23-25.

Claim(s) objected to: 26.

Claim(s) rejected: 7, 10 and 13.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


RAM R. SHUKLA, PH.D.
PRIMARY EXAMINER

Ram R. Shukla, Ph.D.
Primary Examiner
Art Unit: 1632

Continuation of 2. NOTE: Applicants have proposed to cancel claims 7, 10 and 13 and amend claim 26 by incorporating the limitations of claims 7, 10 and 13 in claim 26. However, as noted in the office action of 10-15-01, 1-2-02, 6-17-02 and 9-13-02, claimed invention is only enabled for an in vitro method of inhibiting apoptosis and not enabled for transplantation or therapy and since claim 26 as proposedly amended is directed to decreasing rejection of transplanted cells, it is not enabled for reasons of record. Additionally, applicants did not provide any explanation as to how the amendment reduced issues or addressed the rejection. Therefore, amendments to claim 26 do not reduce the issues for appeal because they do not address the grounds of enablement rejection set forth in the previous office actions. Applicants did not indicate what was the status of the new claims 27 and 28 proposed in the response of 8-21-02. Additionally, since applicants did not indicate what was to be done with the response filed 8-21-02, it is not clear what are the limitations of claim 26 as pending in view of the proposed amendments of 8-21-02 and 10-4-02. Therefore, amendments do not reduce the issues for appeal.

Continuation of 5. does NOT place the application in condition for allowance because: Applicants' did not provide any new arguments with the proposed amendments as to how the proposed amendment to claim 26 addressed the enablement rejection set forth in the previous office actions of 10-15-01, 1-2-02, 6-17-02 and 9-13-02.



RAM R. SHUKLA, PH.D.
PRIMARY EXAMINER

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